IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5776 OF 2005.
IN
FIRST APPEAL NO.1484 OF 2006.

Maharashtra State Road Transport
Corproation. ... Applicant.

Versus.

Galib Ibrahim Chougule. ... Respondent.

Shri G.S.Hegde for the Applicant.

Shri M.H.S.Solkar for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 26th July, 2006.

P.C.:

1. Rule. Shri Solkar waives service for the Respondent. Taken up for hearing forthwith.

2. Considering the facts and circumstances of the case, Civil Application is disposed of by the following order:

i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant depositing the entire amount due and payable under the impugned Judgment and Award with the concerned Tribunal within a period of eight weeks from today.

ii) If the amount is not deposited within the stipulated time, the interim relief will stand vacated without reference to the Court.

iii) If the amount is deposited the learned Member of the Tribunal will permit the 1st Respondent to withdraw a sum of Rs.10,000/- without security.

iv) The Respondent No.1 will be entitled to withdraw a further sum of Rs.15,000/- subject to furnishing adequate security to the satisfaction of the learned Member of the Tribunal. The learned Member will hear the Applicant while accepting the security.

v) Rest of the amount deposited by the Applicant will be invested in fixed deposit in any nationalised bank initially for a period of three years and thereafter renewed from year to year till disposal of the Appeal.

vi) If the sum of Rs.15,000/- is not withdrawn by the 1st Respondent by furnishing adequate security within a period of six months from the date of deposit, the said amount shall be invested by the learned Member as per the aforesaid direction.

vii) There will be no order as to costs.

Judge.